

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
No. 15-cv-00742

CARRIE HUTSON, JEANNA SIMMONS,)
JENIFER SWANNER, INDIVIDUALLY)
AND AS CLASS REPRESENTATIVES,)

Plaintiffs,)

v.)

DECLARATION

CAH ACQUISITION COMPANY 10, LLC)
d/b/a YADKIN VALLEY COMMUNITY)
HOSPITAL; HMC/CAH CONSOLIDATED,)
INC.; and RURAL COMMUNITY)
HOSPITALS OF AMERICA, LLC,)

Defendants.)

**DECLARATION CONCERNING CLASS MEMBERS WHO HAVE OPTED-OUT
OF THE CLASS AND OBJECTIONS TO PROPOSED STIPULATION OF
SETTLEMENT AND RELEASE**

I, Michael A. Kornbluth, declare as follows under penalty of perjury:

1. I am an attorney at Taibi Kornbluth Law Group, P.A. and Class Counsel in the above-referenced case.
2. On October 19, 2016, pursuant to the Court Order of October 14, 2016 [Doc. 34], Plaintiffs caused to be mailed the *Notice of Class Action* (hereinafter the “October 19, 2016 Notice”) to one hundred and fifty-seven (157) class members from a list of names and addresses provided to Plaintiffs from Defendants.
3. Eight (8) Notices were returned as undeliverable. My firm was able to obtain corrected addresses for all but four (4) of these Notices, which were re-mailed between

October 24, 2016 and November 17, 2016. As of November 17, 2016, my firm was still unable to locate the following Class Members: Anna Butler, Sarah Carbajal, Jane Gebo, and Jonathan Seth Ziglar.

4. As provided in the October 19, 2016 Notice, any class member wishing to be excluded from the Class had until November 23, 2016, to do so, by sending to Class Counsel a completed opt-out form. Six (6) members requested exclusion from the class. The opt-out forms received pursuant to the October 19, 2016 Notice are attached hereto as Exhibit A.

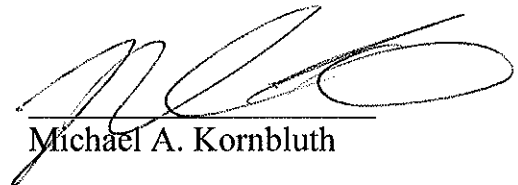
5. Following this Court's April 21, 2017 Order of preliminary approval of the proposed Stipulation of Settlement and Release and approval of the Notice of Proposed Settlement and Fairness Hearing [Doc. 44], my firm coordinated with Defendants' Counsel and Michelle Kopperud, an employee of the Settlement Administrator in this matter, Analytics Consulting, LLC, to transmit an additional notice to the Class Members on May 1, 2017 (hereinafter the "May 1, 2017 Notice") to inform the same of the proposed Stipulation of Settlement and Release, including an proposed award of Attorneys' Fees. Of the four (4) remaining unlocated Class Members following the October 14, 2016 Notice, three (3) were located through diligent efforts by the Parties and the Settlement Administrator and were sent the May 1, 2017 Notice. The only remaining unlocated Class Member is Jonathan Seth Ziglar.

6. Pursuant to the May 1, 2017 Notice, Class Members had a period of thirty (30) days in which to submit a comment or objection to the Stipulation of Settlement and Release by mailing the same to the Clerk of the United States District Court for the

Middle District of North Carolina, with a copy to Class Counsel. All such comments or objections must have been received no later than May 31, 2017.

7. As of the date of this Declaration, Class Counsel represents that it has received no objections from Class Members relating to the terms of the proposed Stipulation of Settlement and Release. On or about June 8, 2017, Class Counsel received a telephone call from Class Member Jane Gebo inquiring about the procedure for completing the settlement. On or about June 15, 2017, Class Member Kimberly Smith inquired about the procedure for completing the settlement. In both instances, Class Counsel explained the procedure and directed the Class Members to the Fairness Hearing on June 22, 2017.
8. Inasmuch as no class member has objected, and for all the reasons explaining why the Stipulation of Settlement and Release is fair, reasonable and adequate under Fed. R. Civ. P. 23(e)(2), set forth in the Joint Motion for Approval of Stipulation of Settlement and Release and Approval of Notice to the Class, including the Memorandum submitted contemporaneously therewith (Docs. 40, 41), the Parties request the Court approve the Final Order for the Approval of the Stipulation of Settlement and Release.

Executed this 16th day of June, 2017, in Durham, North Carolina.



Michael A. Kornbluth

EXHIBIT A

HUTSON ET AL. v. CAH ACQUISITION COMPANY 10, LLC ET AL. OPT-OUT FORM

If you DO NOT WISH to participate in this Action

I, the undersigned, have read the foregoing Notice of Class Action and understand its contents.

☒ I do NOT want to participate in the above Class Action and do not wish to be bound by the outcome of the Class Action or receive any benefits of that action.

Lynn Cadmus
Signature

16615 Redding Pl W
Address Cornelius, N.C. 28031

LYNN CADMUS
Name (print or type)

415-377-9933
Telephone

10-23-16
Date

HUTSON ET AL. v. CAH ACQUISITION COMPANY 10, LLC ET AL. OPT-OUT FORM

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Sam Broady
Signature

267 Pearl Lane
Address
Mocksville NC 27028

Jeanne S BROADWAY
Name (print or type)

336.909.4672
Telephone

10.25.16
Date

HUTSON ET AL. v. CAH ACQUISITION COMPANY 10, LLC ET AL. OPT-OUT FORM

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☒

I do **NOT** want to participate in the above Class Action and do not wish to be bound by the outcome of the Class Action or receive any benefits of that action.

Nellie Brock
Signature

151 Autumn Lane Advance nc
Address
27006

Nellie Brock
Name (print or type)

336-972-2404
Telephone

10-25-16
Date

HUTSON ET AL. v. CAH ACQUISITION COMPANY 10, LLC ET AL. OPT-OUT FORM

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Hilda Hutchens
Signature

1905 Fred Hinshaw Rd, Yadkinville N.C. 27055
Address

Hilda Hutchens
Name (print or type)

336-679-8793
Telephone

10-22-2016
Date

HUTSON ET AL. v. CAH ACQUISITION COMPANY 10, LLC ET AL. OPT-OUT FORM

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Lisa D. Gibson
Signature

131 2nd Ave SE, Taylorsville NC 28681
Address

Lisa D. Gibson
Name (print or type)

336-469-0649
Telephone

10/24/2016
Date

HUTSON ET AL. v. CAH ACQUISITION COMPANY 10, LLC ET AL. OPT-OUT FORM

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☒ I do **NOT** want to participate in the above Class Action and do not wish to be bound by the outcome of the Class Action or receive any benefits of that action.

Kelly S. Martin
Signature

171 Big Bear Trl. Mt. Airy, NC 27031
Address

Kelly S. Martin
Name (print or type)

336-351-5641
Telephone

11-11-2016
Date

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date filed the foregoing *Declaration Concerning Class Members Who Have Opted-Out of the Class and Objections to Proposed Stipulation of Settlement and Release* with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

John J. Doyle, Jr.
William J. McMahon, IV
Constangy, Brooks, Smith, Prophete, LLP
100 North Cherry Street, Ste. 300
Winston-Salem, NC 27101

This the 16th of June, 2017

Taibi Kornbluth Law Group, P.A.

/s/ Michael A. Kornbluth
Michael A. Kornbluth